IN THE HIGH COURT OF DELHI AT NEW DELHI

MAC APP. No.244/2007

Judgment delivered on: December 07,2007

National Insurance Co.Ltd. ..... Appellant.
Through: Mr.Manoj R. Sinha for the appellant.

versus

Smt. Kartari Devi & Ors. ..... Respondents
Through: Mr.R.K. Singh for respondents 1 & 2.

CORAM:

HON'BLE MR. JUSTICE KAILASH GAMBHIR,

1. Whether the Reporters of local papers may be allowed to see the judgment? Yes

2. To be referred to Reporter or not? Yes

3. Whether the judgment should be reported in the Digest? Yes

KAILASH GAMBHIR, J. Oral:

By way of this appeal, appellants seek to assail the impugned award dated 27.2.2007.

The brief facts of the case relevant for appreciating the present appeal is as under:-

On 25.5.2006, the deceased was crossing the road near ITO at about 2.40 p.m., when a bus bearing registration No. DL-1PB-3913 came at a fast speed in a rash and negligent manner and hit the deceased due to which the deceased sustained fatal injuries and he died on the spot.

Counsel for the appellant contends that the Tribunal has not correctly applied the multiplier. The contention of counsel for the appellant is that even as per the Second Schedule, the multiplier to be applied should have been 13 instead of 14, as the age of the deceased was of 49 years. Counsel further contends that in a case where the Court has considered future prospects, the multiplier should correspondingly be reduced. Another contention raised by counsel for the appellant is that the Tribunal has not applied the criteria laid down in **Sarla Dixit & Anr. Vs. Balwant**

Yadav & Ors., *1996 ACJ 581 (SC)* and has given the benefit by doubling the salary of the deceased. Counsel for the appellant has calculated the amount of compensation after applying the criteria laid down in **Sarla Dixit's** case and after applying the multiplier of 13, the same comes to Rs.12,77,952/.

Counsel for the respondent states that he has no objection if the said compensation is granted in favour of the respondents. He however, states that at least his cross objections may be accepted to enhance the rate of interest.

I find that the Tribunal has granted lower rate of interest i.e of 6% p.a. I increase the rate of interest from 6% to 7% but the same shall be paid on the said award amount of Rs.12,77,952/- The appellant has already deposited 40% of the award amount which has already been released in favour of the claimants. The appellant shall deposit the remaining amount after adding the differential amount with the Tribunal and the Tribunal shall pass necessary directions for apportionment of the award amount in favour of the

claimants.

Parties are directed to approach the Tribunal for apportionment of the award amount.

With these directions the appeal is disposed of.

KAILASH GAMBHIR, J.

December 07, 2007
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